

REMARKS

Favorable reconsideration of this application in view of the following discussion is respectfully requested.

Claims 1-8 are pending. No claims are amended, added or canceled. Therefore, no new matter is introduced.

In the outstanding Office Action, Claims 1-4 and 6 were rejected under 35 U.S.C. § 102(a) as being anticipated by Wan ("Autonomous Topology Optimization and Recovery for Peer-to-Peer Networks," March 4, 2004); and Claims 5 and 7-8 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Wan in view of Traversat (U.S. Patent Application Publication No. 2002/0147771).

The rejection of Claims 1-4 and 6 as being anticipated by Wan is respectfully traversed.

The present application claims the benefit of JP 2003-427892, filed December 24, 2003, under 35 U.S.C. § 119. A claim of priority and certified copy of the original JP 2003-427892 was previously submitted to the Office as evidenced in PAIR and as acknowledged in the Office Action dated April 18, 2008. Submitted herewith are an English-language translation of JP 2003-427892, and a statement that this translation is accurate. Therefore, it is believed that priority to JP 2003-427892 is perfected.

The filing date of JP 2003-427892, December 24, 2003, precedes the prior art date of the Wan reference, March 4, 2004. Therefore, Wan does not qualify as an anticipatory reference against this application. Accordingly, it is respectfully requested that the rejection of Claims 1-4 and 6 under 35 U.S.C. § 102(a) based on Wan be withdrawn.

As all other rejections of record rely upon Wan for describing features not described in any other applied art, and Wan does not qualify as an anticipatory reference against this application, it is respectfully submitted that a *prima facie* case of obviousness cannot be

maintained. Therefore, it is respectfully requested that the rejection of Claims 5 and 7-8 under 35 U.S.C. § 103(a) be withdrawn.

For the reasons discussed above, no further issues are believed to be outstanding in the present application, and the present application is believed to be in condition for formal allowance. Therefore, a Notice of Allowance for Claims 1-8 is earnestly solicited.

Should, however, the above distinctions be found unpersuasive, Applicants respectfully request that the Examiner provide an explanation via Advisory Action under M.P.E.P. § 714.13 specifically rebutting the points raised herein.

Respectfully submitted,

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